

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

LINDA THORNTON,

Plaintiff,

v.

**FLAVOR HOUSE PRODUCTS, INC., and
FRANKLIN D. WILLIAMS, JR.,**

Defendants.

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**Civil Action No.:
1:07 cv-712-WKW**

JURY DEMAND

**PLAINTIFF'S MOTION TO STRIKE BRIEF IN SUPPORT OF
DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT**

1. On September 28, 2007, the Court entered a Briefing Order setting forth the briefing schedule and guidelines for dispositive motions in the above-styled cause, including in pertinent part:

Briefs in support of or in opposition to any motion generally **should not exceed 25 pages**. In all cases in which briefs exceed 25 pages, counsel must include a table of contents indicating the main sections of the brief, the principal arguments and citations to authority made in each section, and the pages on which each section and any sub-sections may be found.

* * *

Failure to comply strictly with this Order for all future filings may result in the striking of the filing or other appropriate sanctions.

[Doc. 22, ¶¶ 5 and 9](emphasis in original).

2. On August 8, 2008, the defendants Flavor House Products, Inc., and Franklin D. Williams, Jr., submitted their respective Motions for Summary Judgment in this matter. [Doc. 68 and 70].

3. The corporate defendant contemporaneously submitted a Brief in Support of Defendant Flavor House Products, Inc.'s Motion for Summary Judgment. [Doc. 71].

4. Defendant Williams did not submit a separate Brief in support of his Motion for Summary Judgment, but instead relied on the Brief in Support of Defendant Flavor House Products, Inc.'s Motion for Summary Judgment and Evidentiary Submissions as filed by the corporate defendant. [Doc. 68, p. 1].

5. The Brief in Support of Defendant Flavor House Products, Inc.'s Motion for Summary Judgment, as submitted and/or relied on by both named defendants in this matter, is comprised of forty-seven (47) pages¹ and contains no table of contents. [Doc. 71].

6. Neither defendant Flavor House Products, Inc., nor defendant Williams sought leave from the Court for the additional twenty-two pages of the Brief as submitted, nor did they seek leave to vary from the Court's Briefing Order regarding the format of the Brief.

7. Thus, pursuant to the express terms of this Court's Briefing Order, the plaintiff seeks to have the defendants' Brief in Support of their respective Motions for Summary Judgment to be stricken. Alternatively, the plaintiff seeks to enlarge the page limitation for her response brief to a corresponding forty-seven (47) pages, to avoid any prejudice in her ability to adequately respond to the defendants' submission.

Respectfully submitted,

s/ Temple D. Trueblood
Ann C. Robertson (ROB016)
Temple D. Trueblood (TRU014)
Attorneys for Plaintiff

¹ This sum excludes the Certificate of Service, which comprises the forty-eighth page of the defendant's submission.

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CERTIFICATE OF SERVICE

I hereby certify that on this the 25th day of August, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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